Permit No.: UTR000000

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH 84114-4870

AUTHORIZATION TO DISCHARGE UNDER THE

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

In compliance with the provisions of the Utah *Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953*, as amended (the *"Act"*), the facility identified in the Notice of Intent, is authorized to discharge industrial storm water from the specified industrial site to waters of the State, as identified in the Notice of Intent, in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on October 1, 1992.

This permit and the authorization to discharge shall expire at midnight, September 30, 1997.

Signed this 29th day of September, 1992

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

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I. DEFINITIONS

A. Definitions

1. "Act" means the "*Utah Water Quality Act*"

2. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile

4. "*CWA*" means *Clean Water Act* or the *Federal Water Pollution Control Act.*

5. "*EPA*" means the United States Environmental Protection Agency.

6. "*Executive Secretary*" means *Executive Secretary* of the *Utah Water Quality Board.*

7. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

8. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a *UPDES* permit (other than the *UPDES* permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown where there are no chemical or abrasive additives, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.

9. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

10. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

11. "Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

    a. located in an incorporated place with a population of 100,000 or more as determined by the latest *Decennial Census* by the *Bureau of Census*; or

17. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).

18. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

19. "Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program under *UAC R317-8*. For the categories of industries identified in subparagraphs (a) through (j) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at *40 CFR 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (k), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in *Part I.A.20.(a)-(k)* of this permit) include those facilities designated under the provisions of *UAC R317-8-3.8(1)(a)5*. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

    a. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under *40 CFR N* (except facilities with toxic pollutant effluent standards which are exempted under paragraph (k) of this subsection);

    b. Facilities classified as *Standard Industrial Classifications (SIC)* 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;

    c. Facilities classified as *SIC* 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under *40 CFR 434.11(l)* because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration,

21. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

22. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

c. storm water discharges associated with industrial activity that are subject to an existing *UPDES* individual or general permit; are located at a facility where a *UPDES* permit has been terminated or denied; or which are issued a permit in accordance with paragraph *VIII.N* of this permit. Such discharges may be authorized by this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

d. storm water discharges associated with industrial activity from construction sites, except storm water discharges from portions of a construction site that can be classified as an industrial activity under *R317-8-3.8(6)(d)1* through *9* or *11* (including storm water discharges from mobile asphalt plant, and mobile concrete plants);

e. storm water discharges associated with industrial activity that the *Executive Secretary* has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;

4. Storm water discharges associated with industrial activity which are authorized by this permit may be combined with other sources of storm water which are not classified as associated with industrial activity pursuant to *UAC R317-8-3.8(6)(c)* and *(d)*, so long as the discharger is in compliance with this permit.

C. Authorization.

1. Dischargers of storm water associated with industrial activity must submit a *Notice of Intent ("NOI")* in accordance with the requirements of *Part III* of this permit, using a *NOI* form provided by the *Division of Water Quality* or EPA (or photocopy thereof), to be authorized to discharge under this general permit.

2. Owners or operators who submit such notification are automatically authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit commencing with the date that the *NOI* is postmarked, provided the steps in *Part II.C.3 and 4* (below) have been completed. The *Executive Secretary* may require more information from any facility, deny further coverage to any facility, or declare coverage of this permit invalid for any facility covered by this permit if it is determined that the facility does not qualify with the terms and conditions required in this permit.

3. Permit fees must be received by the *Division of Water Quality* with the *NOI* before the permit is authorized. The permit fee is $270, and is assessed once during the life of the permit. The permit fee is subject to change during future fiscal years upon legislative adjustments. Permit transfers do not require resubmission of the permit fee, but may require permit modification costs. If requested, the *Division of Water Quality* will prorate the permit fee with the months remaining in the life of the permit.

4. Dischargers of storm water associated with industrial activity that discharge through local municipal storm sewer systems must meet any storm water discharge requirements of the municipality to be authorized to discharge by this permit.

described in terms of the latitude and longitude to the nearest 15 seconds, or the section, township and range to the nearest quarter;

2. Up to four 4-digit standard industrial classification (*SIC*) codes that best represent the principal products or for hazardous waste treatment, storage or disposal facilities, land disposal facilities that receive or have received any industrial waste, steam electric power generating facilities, or treatment works treating domestic sewage, a narrative identification of those activities;

3. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity:

4. The permit number(s) of additional *UPDES* permit(s) for any discharge(s) (including non-storm water discharges) from the site that is currently authorized by a *UPDES* permit;

5. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the receiving water(s) for the discharge through the municipal separate storm sewer;

6. An indication of whether the owner of operator has existing quantitative data describing the concentration of pollutants in storm water discharges (existing data should not be included as part of the *NOI*).

7. Where a facility has participated in a group application, the number EPA assigned to the group application shall be supplied; and

8. For any facility that begins to discharge storm water associated with industrial activity after October 1, 1992, a certification that a stormwater pollution prevention plan has been prepared for the facility in accordance with *Part V* of this permit. (A copy of the plan should not be included with the *NOI* submission).

C. Where to Submit. Facilities which discharge storm water associated with industrial activity must use a NOI form provided by the State or the EPA (or photocopies thereof), unless the State develops another form to replace the EPA form. The EPA form is available at the address below or by calling (703) 821-4823 (the EPA storm water hotline number). *NOI's* must be signed in accordance with *Part VIII.G* (signatory requirements) of this permit. *NOI's* are to be submitted to the *Executive Secretary* in care of the following address:

Department of Environmental Quality
Division of Water Quality
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870

IV. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. Prohibition of non-storm water discharges.

1. Except as provided in *Part IV.A.2* (below), all discharges covered by this permit shall be composed entirely of storm water.

2. a. Except as provided in *Part IV.A.2.b* (below), discharges of material other than storm water must be in compliance with a *UPDES* permit (other than this permit) issued for the discharge.

b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph *V.D.3.g* (measures and controls for non-storm water discharges): discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR part 117* and *40 CFR part 302*. Except as provided in Paragraph *IV.B.2* (multiple anticipated discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR 117* or *40 CFR 302*, occurs during a 24 hour period:

a. The discharger is required to notify the *National Response Center* (*NRC*) (800-424-8802); and the *Division of Water Quality* (*DWQ*) at 801-538-6146 (or the 24 hour *DWQ* answering service at 801-536-4123) in accordance with the requirements of *40 CFR 110*, *40 CFR 117* and *40 CFR 302* as soon as he or she has knowledge of the discharge.

b. The storm water pollution prevention plan required under *Part V* (storm water pollution prevention plans) of this permit must be modified within 14 calendar days of knowledge of the release to : provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate, and

c. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and

V. STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit. As ground water is included in the definition of "waters of the state", the plan shall address storm water discharged to surface water and ground water.

A. Deadlines for Plan Preparation and Compliance.

1. Except as provided in paragraphs *V.A.3* (oil and gas operations), *4* (facilities denied or rejected from participation in a group application), *5* (special requirements) and 6 (later dates) the pollution prevention plan for a storm water discharge associated with industrial activity that is existing on or before October 1, 1992:

   a. shall be prepared on or before April 1, 1993 (and updated as appropriate);

   b. shall provide for implementation and compliance with the terms of the plan on or before October 1, 1993;

2. a. The plan for any facility where industrial activity commences after October 1, 1992, but on or before December 31, 1992 shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before the date 60 calendar days after the commencement of industrial activity (and updated as appropriate);

   b. The plan for any facility where industrial activity commences on or after January 1, 1993 shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit, on or before the date of submission of a NOI to be covered under this permit (and updated as appropriate);

3. The plan for storm water discharges associated with industrial activity from an oil and gas exploration, production, processing, or treatment operation or transmission facility that is not required to submit a permit application on or before October 1, 1992 in accordance with *UAC 317-8-3.8(2)(a)3*, but after October 1, 1992 has a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either *40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6*, shall be prepared and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before the date 60 calendar days after of the first knowledge of such release (and updated as appropriate);

4. The plan for storm water discharges associated with industrial activity from any facility owned or operated by a municipality that has participated in a timely group application and where either

objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the *Executive Secretary* in the same manner as *Part V.B.2* of this permit.

D. Contents of Plan. The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

   a. Drainage.

      (1) A site map indicating, an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under *Part V.D.2.c* (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

      (2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants the permittee shall make a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced or discharged; the potential of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

   b. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation and discharged to surface or groundwater (see Ground Water Protection *Part IV.C*). Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the

personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. In addition to or as part of the comprehensive site evaluation required under *Part V.D.4* (comprehensive site compliance evaluation) of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and Internal Reporting Procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. Non-Storm Discharges.

(1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. The certification must be signed in accordance with signatory requirements in *Part VIII.G*. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the *Executive Secretary* in accordance with *Part VII.A* (failure to certify) of this permit.

(2) Except for flows from fire fighting activities, sources of non-storm water listed in *Part IV.A.2* (authorized non-storm water discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part VIII.G* (signatory requirements) of this permit.

d. Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years.

5. Additional requirements for storm water discharges associated with industrial activity through the municipal separate storm sewer systems serving Salt Lake City and Salt Lake County.

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in Salt Lake City or Salt Lake County storm water management programs developed under *UPDES* permits issued for the discharge of the municipal storm sewer systems that receives the facility's discharge, provided the discharger has been notified of such conditions.

b. Permittees which discharge storm water associated with industrial activity through Salt Lake City or Salt Lake Count shall make plans available to the municipal operator of the system upon request.

6. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for *Spill Prevention Control and Countermeasure ("SPCC")* plans developed for the facility under *Section 311* of the *CWA* or *Best Management Practices ("BMP")* Programs otherwise required by a *UPDES* permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to *EPCRA Section 313* requirements. In addition to the requirements of *Parts V.D.1* through *4* of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under *EPCRA Section 313* for chemicals which are classified as "*Section 313* water priority chemicals" in accordance with the definition in *Part I.A.15* of this permit, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:

a. In areas where *Section 313* water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

(1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or

(2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind blowing.

(5) Discharges from areas covered by paragraphs *(1), (2), (3)* or *(4)*.

(a) Drainage from areas covered by paragraphs *(1), (2), (3)* or *(4)* of this *Part* shall be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of *Section 313* water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of *Section 313* water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

(6) Facility site runoff other than from areas covered by *(1), (2), (3)* or *(4)*. Other areas of the facility (those areas not addressed in paragraphs *(1), (2), (3)* or *(4)*), from which runoff which may contain *Section 313* water priority chemicals or spills of *Section 313* water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of *Section 313* water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of *Section 313* water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of *Section 313* water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a *Section 313* water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

VI. NUMERIC EFFLUENT LIMITATIONS

A. Coal Pile Runoff. Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.5-9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids. Failure to demonstrate compliance with these limitations as expeditiously as practicable , but in no case later than October 1, 1995, will constitute a violation of this permit.

water priority chemical is handled for: oil and grease (mg/L); five day biochemical oxygen demand (BOD_5) (mg/L); chemical oxygen demand (COD) (mg/L); total suspended solids (TSS) (mg/L); total kjeldahl nitrogen (TKN) (mg/L); total phosphorus (mg/L); pH; and any *Section 313* water priority chemical for which the facility is subject to reporting requirements under *Section 313* of the *Emergency Planning and Community Right to Know Act of 1986*.

b. Primary Metal Industries. Facilities with storm water discharges associated with industrial activity classified as Standard Industrial Classification (*"SIC"*) *33* (*Primary Metal Industry*) are required to monitor such storm water that is discharged from the facility: oil and grease (mg/L); BOD_5 (mg/L); COD (mg/L); TSS (mg/L); pH; total recoverable lead (mg/L); total recoverable cadmium (mg/L); total recoverable copper (mg/L); total recoverable arsenic (mg/L); and total recoverable chromium (mg/L); and any pollutant limited in an effluent guideline to which the facility is subject.

c. Land Disposal Units. Facilities with storm water discharges associated with industrial activity from any active or inactive landfill, land application site, or open dump without a stabilized final cover that has received any industrial wastes (other than wastes from a construction site); and incinerators (including Burner Industrial Furnaces (BIF's)) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA, are required to monitor such storm water that is discharged from the facility for: ammonia (mg/L); magnesium (total) (mg/L); magnesium (dissolved) (mg/L); nitrate plus nitrite nitrogen (mg/L); COD (mg/L); total dissolved solids (TDS) (mg/L); total organic carbon (TOC) (mg/L); oil and grease (mg/L); pH; total recoverable arsenic (mg/L); total recoverable barium (mg/L); total recoverable cadmium (mg/L); total recoverable chromium (mg/L); total cyanide (mg/L); total recoverable lead (mg/L); total recoverable mercury (mg/L); total recoverable selenium (mg/L); and total recoverable silver (mg/L).

d. Wood Treatment. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility for: oil and grease (mg/L); pH; BOD_5 (mg/L); COD (mg/L); TSS (mg/L). In addition, facilities that use chlorophenolic formulations shall measure pentachlorophenol (mg/L) and facilities that use chromium-arsenic formulations shall measure total recoverable arsenic (mg/L), total recoverable chromium (mg/L), and total recoverable copper (mg/L).

e. Coal Pile Runoff. Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor such storm water that is discharged from the facility for: oil and grease (mg/L); pH; TSS (mg/L); total recoverable copper (mg/L); total recoverable nickel (mg/L) and total recoverable zinc (mg/L).

f. Battery Reclaimers. Facilities with storm water discharges associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries are required to monitor such storm

(ii) are from those areas at automobile junkyards with any of the following: (A) over 250 auto/truck bodies with drivelines, (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) are exposed to storm water; (B) over 500 auto/truck units (bodies with or without drivelines in whole or in parts) are stored exposed to storm water; or (C) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water;

(iii) come into contact with lime storage piles that are exposed to storm water at lime manufacturing facilities;

(iv) are from oil handling sites at oil fired steam electric power generating facilities;

(v) are from cement manufacturing facilities and cement kilns (other than discharges in whole or in part from material storage piles subject to storm water effluent guidelines at *40 CFR 411* - which are not eligible for coverage under this permit);

(vi) are from ready-mixed concrete facilities; or

(vii) are from ship building and repairing facilities;

are required to monitor such storm water discharged from the facility for: oil and grease (mg/L); COD (mg/L); TSS (mg/L); pH; and any pollutant limited in an effluent guideline to which the facility is subject.

4. Sample Type. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken. For all other discharges, data shall be reported for both a grab sample and a composite sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. Only grab samples must be collected and analyzed for the determination of pH, cyanide, and oil and grease.

5. Sampling Waiver. When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes,

be granted by the *Executive Secretary* if a mortality of less than 10 percent was observed in higher effluent dilutions.

Test results shall be reported along with the Discharge Monitoring Report(s) (DMR or DMR's) submitted for the reporting calendar year e.g., biomonitoring results for the calendar year shall be reported on a separate DMR for each sampled storm event, and shall be submitted on or before the 28th day of the month following the reporting year (See *Part VII.D*). Yearly test results shall be reported along with the DMR submitted for that year. The format for the report shall be consistent with the latest revision of the *Region VIII Guidance for Acute Whole Effluent Reporting*, and shall include all chemical and physical data as specified.

2. If acute whole effluent toxicity is detected in storm water discharged from the facility from the tests required by the *Executive Secretary*, the permittee shall review the storm water pollution prevention plan and make appropriate modifications to assist in identifying the toxicity source(s) of their storm water discharges. A summary of the review and the resulting modifications shall be provided in the plan.

D. DMR Reporting: When and Where to Submit.

1. Permittees which are required to conduct sampling pursuant to *Parts VII.B*, must submit monitoring results obtained during the previous 12 months on discharge monitoring report (DMR) forms postmarked no later than the 28th day of the month following the completed reporting period. A separate DMR form is required for each event monitored. The first report may include less than twelve months of information.

   a. The reporting period for *Parts VII.B.2.a* (EPCRA), and *d* (Wood Treatment facilities) runs from January to December, and the first DMR's are due January 28th, 1993.

   b. The reporting period for *Parts VII.B.2.b* (Primary Metal facilities), *e* (Coal Pile Runoff), and *f* (Battery Reclaimers) runs from April to March, and the first DMR's are due April 28th, 1993.

   c. The reporting period for *Parts VII.B.2.c* (Land Disposal facilities), runs from October to September, and the first DMR's are due October 28th, 1993.

   d. Signed copies of DMR's required under *Parts VII.D.1.a*, *b*, and *c* (above) and all other reports required herein, shall be submitted to the *Executive Secretary* at the address below:

      Department of Environmental Quality
      Division of Water Quality
      PO Box 144870
      Salt Lake City, UT 84114-4870

2. Additional Notification. Facilities with at least one storm water discharge associated with industrial activity through either of the municipal storm sewer systems of Salt Lake City or Salt Lake County in addition to filing copies of discharge monitoring reports (DMR's) in accordance with paragraph *VII.D.1*, must submit signed copies to the operator of the municipal storm sewer

VIII. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

a. Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of $10,000 per day.

b. Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State), or a condition or limitation of this permit is subject to a fine of $25,000 per day or $50,000 per day for any person twice convicted.

c. False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment by 6 months, or by both.

B. Continuation of the Expired General Permit. This permit, expires on October 1, 1997. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees must submit a new NOI in accordance with the requirements of *Part III* of this permit, using a NOI form provided by the *Division of Water Quality* (or photocopy thereof) between August 1, 1997 and September 29, 1997, to remain covered under the continued permit after October 1, 1997. Facilities that have not obtained coverage under the permit by October 1, 1997, cannot become authorized to discharge under the continued permit.

C. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the *Executive Secretary*, or to the operators of the Salt Lake City and Salt Lake County storm sewer systems in the case of a storm water discharge associated with industrial activity which discharges through Salt Lake City or County storm sewer systems any information which is requested to determine compliance with this permit. Upon request, the permittee shall also furnish to the *Executive Secretary*, or to the operators of the Salt Lake

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. Changes to authorization. If an authorization under *Part II.C.2* of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part II.C.2* must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports. The *"Act"* provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months, or by both.

I. Penalties for Falsification of Monitoring Systems. The *"Act"* provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in *19-5-111* of the *"Act"*.

J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the "*Act*".

K. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

P. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

Q. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 6 years from the date of the sample, measurement, report or application. This period may be extended by request of the *Executive Secretary* at any time.

3. Records Contents. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The initials or name(s) of the individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The time(s) analyses were initiated;

   e. The initials or name(s) of the individual(s) who performed the analyses;

   f. References and written procedures, when available, for the analytical techniques or methods used; and

   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. Monitoring must be conducted according to test procedures approved under *40 CFR Part 136*, unless other test procedures have been specified in this permit.

R. Inspection and Entry. The permittee shall allow the *Executive Secretary* or an authorized representative of EPA, the State, or, in the case of a construction site which discharges to Salt Lake City or Salt Lake County storm sewer system, an authorized representative of the municipal operator or the storm sewer

exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass or preventive maintenance; and

(3) The permittee submitted notices of the bypass.

b. the *Executive Secretary* may approve an anticipated bypass after considering its adverse effects, if the *Executive Secretary* determines that it will meet the three conditions listed in *Part VIII.S.2.a* (above).

U. Upset Conditions.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in *Part VI.A* of this permit if the requirements of paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, if final administrative action subject to judicial reviews.

2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

   a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

   b. The permitted facility was at the time being properly operated; and

   c. The permittee provided oral notice of the upset to the *Division of Water Quality* within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

X. TERMINATION OF COVERAGE

A. Notice of Termination. Where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, or where the operator of storm water discharges associated with industrial activity at a facility changes, the operator of the facility may submit a Notice of Termination that is signed in accordance with *Part VIII.G* (signatory requirements) of this permit. The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a street address for the site is not available, the location of the approximate center of the site must be described in terms of the latitude and longitude to the nearest 15 seconds, or the section, township and range to the nearest quarter;

2. The name, address and telephone number of the operator addressed by the Notice of Termination;

3. The UPDES permit number for the storm water discharge associated with industrial activity identified by the Notice of Termination;

4. An indication of whether the storm water discharges associated with industrial activity have been eliminated or the operator of the discharges has changed; and

5. The following certification signed in accordance with *Part VIII.G* (signatory requirements) of this permit:

> "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a *UPDES* general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the State is unlawful under the *Act* where the discharge is not authorized by a *UPDES* permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the *Act*"

B. Addresses. All Notices of Termination are to be sent, using the form provided by the *Executive Secretary*, the EPA form (or a photocopy thereof) or letter form providing the information listed above to the following address:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
Salt Lake City, UT 84114-4870